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SONOMA, SONOMA COUNTY, CAL. SATURDAY, APRIL 3, 1886.

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## SONOMA INDEX-TRIBUNE.

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H. H. GRANICE, Proprietor

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CLAY LITERARY SOCIETY HOLD THEIR regular meetings on every Monday evening in the hall of the Congregational Church. Mrs. A. H. GRANICE, President. Mrs. M. Ward, Secretary.

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LAND NOTICE.

I AND OFFICE AT SAN FRANCISCO, CALIFORNIA,

July 10, March 24, 1886.

Notice is hereby given that the following named

seller has filed notice of his intention to make final







# SONOMA INDEX - TRIBUNE.

SONOMA, APRIL 3, 1886.

## ANNOUNCEMENTS.

### FOR CITY CLERK.

**JAMES McDONNELL, JR.** ANNOUNCES himself a candidate for the office of City Clerk, subject to the vote of the people. Election, April 12th.

### FOR CITY TREASURER.

**MARTIN MULLEN** ANNOUNCES himself a candidate for the office of City Treasurer of Sonoma City, subject to the vote of the people. Election, April 12th.

### FOR CITY CLERK.

**J. MULLIN** ANNOUNCES HIMSELF AS A candidate for the office of City Clerk of Sonoma, subject to the vote of the people at the election to be held April 12, 1886.

### FOR CITY TRUSTEE.

**J. M. BULL** ANNOUNCES HIMSELF AS A candidate for the office of City Trustee of Sonoma, subject to the vote of the people at the election to be held April 12th, subject to the vote of the people.

### FOR CITY TRUSTEE.

**J. HERBERT** ANNOUNCES HIMSELF AS A CANDIDATE for the office of Trustee, subject to the vote of the people at the election to be held April 12th, subject to the vote of the people.

### FOR CITY CLERK.

**FRANK E. CORBALEY** ANNOUNCES himself as a candidate for City Clerk of Sonoma, subject to the vote of the people at the election to be held April 12th, subject to the vote of the people.

## LOCAL BREVITIES.

Many varieties of fruit trees are in bloom.

Lively interest is being manifested in the forthcoming municipal election.

The regular meeting of the City Trustees takes place next Wednesday evening.

Judge Temple has confirmed the sale of real estate belonging to the late Nicholas Carriger.

Call at the Union Hotel and get one dozen bottles of Fredericksburg Salvo Beer for \$2.25.

Read notice to creditors of the estate of Miss Sarah Morton, deceased, which appears in another column.

Dr. McMahon offers his services to the citizens of this community. Can be found day and night at the Cash Drug Store.

Cigars made by white labor are rapidly taking the place of those made by Chinamen in the saloons and stores in this place.

Used Red Star Cough Cure effectively. Dr. C. Fawcett, Union Protestant Infirmary, Baltimore, Md. No depressing effects.

Rev. Alfred Toddhunter of St. Helena, will hold Episcopal services at Weyl's Hall, to-morrow (Sunday) at 11 a. m. All are cordially invited.

Genuine white labor cigars made by M. Basch, 624 Washington street, San Francisco. For sale by Jas. Ruffner, Old Fellow's block.

The Union Hotel is becoming quite a resort for city visitors to Sonoma. The fame of this hotel is becoming well known to travelers and pleasure seekers.

It is said that "Happy Jack," who was stabbed in the back by Matheson last week, is lying in a very precarious condition at the County Hospital.

Send color of your hair and eyes and we will send a perfect picture of yourself for 50 cents. Address, Young & Son, 2309 Octavia street, San Francisco.

Dr. E. S. Hayward and family have taken a residence in town on Napa street, corner Second Street East, where the Doctor can be found at all times when not professionally engaged.

The Chinese Must Go—The public of Sonoma are invited to attend an exhibition of the new Improved Hydraulic Washer at Jones' Hotel at 3 o'clock this afternoon. These washers will be on exhibition for a few days only.

The Sonoma Turn Verein have already commenced to prepare for the Turner Festival, which will be held in Petaluma, commencing on June 13th and lasting four days. The Sonoma Turners will also give their annual picnic on July 4th.

The rain which fell in the valley on Tuesday, Wednesday and Thursday came just at the right time. The spirits of the farmers are more buoyant in consequence, and the outlook they declare was never more promising for a favorable season.

Morris Bros. offer for sale in another column five young milk cows, one-half and seven-eighths Jersey. They are first-class milkers and to those of our readers desiring a good, gentle milk cow, we would recommend one of these animals.

Angelo Bullotti, who attempted suicide one day last week, has been taken to the County Hospital. He has no relatives in Sonoma, the family of that name residing here being in no wise related to him. He is not an Italian but Swiss. His chances for recovery are extremely doubtful.

The case of Hale et al. vs. Akers et al., action to recover fifty acres of land lying to the east of town, which was carried to the Supreme Court on appeal, has been decided in Mr. Akers' favor. His title was vested in a deed from the city and corporation of Sonoma. The plaintiff claimed title under an old Spanish grant.

The coming Fair for the benefit of St. Francis' Church, which takes place at Weyl's Hall, on the 19th, 20th, 21st and 22d of May, will undoubtedly eclipse anything of the kind ever held in Sonoma. The ladies of the church are taking a lively interest in this matter and will leave nothing undone to make the Fair a success in every particular.

## A MYSTERIOUS CASE.

**A Stranger Arrives in Town and Suddenly Disappears.**

**He Leaves a Valuable Horse and Buggy Behind—The Man Supposed to be Insane.**

On Saturday afternoon last there arrived in this town a stranger. He drove a brown mare in a piano-box top buggy, the animal being well fagged out. He put up at the Jones Hotel, where he registered as J. W. Barton, Healdsburg. He is described as an elderly gentleman of slight build, about 5 feet 6 inches in height, wore full brown beard and moustache, slightly tinged with grey, and dressed in a dark business suit. He had supper, after which he repaired to his room and retired for the night. He was up at an early hour the next morning and his absence was noted and commented on at the breakfast table. Diligent inquiry as to his whereabouts failed to show where or how he had gone. He had disappeared as suddenly and mysteriously as though the earth had swallowed him up. The mare, buggy, lap robe, riding gloves and overcoat were left behind. Inside the pockets of the latter were found a freight receipt, made out in the name of J. W. Barton, freight agent N. P. R. R., Healdsburg, and a number of cards bearing the name of Coates & Toll, nurserymen and orchardists, Napa.

There are numerous theories as to the man's disappearance. Some think that he has met with foul play, others that he went suddenly insane, while others hint at suicide. It is certainly an inexplicable mystery and will no doubt be unraveled by our local officers before long, as they have put themselves in communication with the officers of every town in this county and several adjoining counties, and are also on the alert for any clues that will lead to his discovery dead or alive.

Just as we go to press a dispatch has been received from Santa Rosa, stating that the horse and buggy belongs to Wm. Brice of Healdsburg, and that Barton was arrested at a wayside inn between Sebastopol and Santa Rosa, and is now in jail at the latter place. There is no doubt but that the man is insane as no attempt was made to dispose of the horse and buggy nor was any money borrowed on them. The man, no doubt, is a better subject for the Insane Asylum than for the State Prison.

## THE MARSHAL SPEAKS.

**ED. INDEX-TRIBUNE:** In your issue of March 27th you call upon the Trustees and the City Marshal to abate a public nuisance, alleged to exist in the rear of the Union Livery Stables. Permit me to make an answer to your request in my own behalf, and I think it will also apply as to the Trustees. The City Marshal is not authorized by any statute or city ordinance to abate a public nuisance not existing on the streets or public plaza of Sonoma. To enter upon the private possessions of another person and then to dig up the ground, break down fences or other structures, in order to abate a public nuisance, which is not specially injurious to me personally, without the consent of the owner or occupant of the premises, would subject me to a criminal prosecution for trespass, and to a civil suit for damages upon my bonds, and such an act on my part would also empower the owner or occupant to resist such intrusion with force of arms. Any person who maintains a public nuisance, commits a misdemeanor and may be prosecuted therefor in the Justice's Court under the Penal Code, or may be sued for damages. I will finally state that I have called upon the parties and they have promised to abate said nuisance. L. BREITENBACH, City Marshal.

## PERSONAL.

Miss Emma Enslow is visiting friends and relatives in Santa Rosa.

In the account of the surprise party given Miss Annie Raschen in last week's issue, we inadvertently omitted to mention the names of Miss Cora Perkins and Mr. Fred Ewell as being among those present.

E. J. Mullin left for a three weeks' visit to relatives in the East, last Saturday. Mrs. Mullin, during Mr. M.'s absence, will sojourn with her relatives in Eureka, Humboldt county.

Capt. J. L. Watson and Miss Helen O. Rice were united in marriage at the residence of the bride's mother, No. 1122 Pine street, San Francisco, on the 23d ult. The ceremony was performed by Rev. Dr. Sprecher. The happy couple are at present in the East where they will spend their honeymoon, after which they will return to Mr. Watson's charming home on the ridge overlooking the Guineas and Sonoma Valleys.

J. B. Badger is to the front again. He has just opened a general merchandising store at Agua Caliente, opposite Cady's Hotel. He advertises in these columns groceries, etc., cheap for cash, and invites the people of Sonoma Valley to come and see him. Mr. Badger has located at Agua Caliente permanently, he having leased the premises he now occupies for fifteen years. Mr. B. is an enterprising business man and we wish him abundant success.

## IMPORTANT SUIT DECIDED.

**Weyl vs. S. V. R. R.—The Supreme Court Decides in Plaintiff's Favor.**

The Supreme Court on Tuesday rendered a decision in the case of Henry Weyl vs. The Sonoma Valley Railroad Company. The opinion is written by Justice Foote and concurred in by Justices Belcher and Sears, and is in favor of plaintiff. The history of the case dates back some four years ago, when the railroad company took possession of the center of Spain street in front of the premises of Weyl and others, and converted the same into a road bed for the passage of defendant's steam cars. Strategy was resorted to in gaining possession, the road being graded and the ties and rails laid in the night time. In addition to occupying the center of Spain street the company also possessed itself of a considerable portion of the Plaza facing on that street, which it has ever since continued to hold and occupy. Suit in ejectment was commenced by Mr. Weyl immediately in the Superior Court of this county before Judge Temple and a verdict was rendered in his favor. The railroad company being denied a new trial by Judge Temple, took an appeal to the State Supreme Court, where the case has been dragging along for a number of years. A decision in the case has been looked forward to with lively interest by the residents of Sonoma and we, therefore, publish the written opinion in its entirety. The Judges in their decision say:

The transcript in this cause being very defective, was made unintelligible by stipulation between counsel on both sides, and by a certificate of the Clerk of the Court below, filed in this court, under rule 12.

The respondent makes the point that the appeal is not well taken, and should not be considered, for the reason that the notice of appeal does not give the correct date of the entry of the judgment and order denying a new trial, from which the appeal is sought to be prosecuted.

The object of such a notice is to impart the requisite information to the opposite party of his opponent's intention to appeal, and what specific judgment or order is appealed from, and if the notice is sufficiently explicit in these particulars it should be declared sufficient.

The notice of appeal under consideration, correctly states the title of the cause, and only fails of being sufficient in all other respects, as is admitted by the respondent, because it incorrectly gives the date at which the judgment and order appealed from were entered; it also appears by the record, that there has been but one judgment or order, of the kind appealed from, entered in the cause.

From this, it would appear, that the said notice ought not to be declared void, but the mistake of dates merely should be regarded in this case, as a clerical misprision.

The exception that the decision in the case, is not supported by the evidence, we cannot review on the appeal from the final judgment, because the former was not taken within sixty days from the rendition of the latter. (Sec. 939, C. C. P.)

The motion for a new trial was made upon the minutes of the court, and the ground taken therein, that the findings and decision in the cause were not justified by the evidence, is not tenable, and the motion was properly denied, as the notice of motion did not contain any specifications of particular wherein the evidence was alleged not to sustain said findings and decision. (Sec. 659, Subdy. 4, C. C. P., Eddebuttel vs. Durrell, 55 Cal. 277.)

Appellants claim further, that the Court should have dismissed the action as to Mr. Donahue. That a demurrer filed to the complaint should have been sustained, and that the findings do not support the judgment.

The action was ejectment to recover from the defendants, the Sonoma Valley R. R. Company and Peter Donahue, the possession of the north half of Spain street extending for 350 feet in front of and adjoining lot 27 and part of lot 28 in the town of Sonoma in Sonoma county, California, subject only to the easement of the public to use it as a street.

It is claimed that in the complaint it did not properly appear how Mr. Donahue was jointly or severally interested with the railroad company, defendant, in the acts complained of. That the complaint did not state facts sufficient to constitute a cause of action, and that it was uncertain in not making it to appear whether the plaintiff sued the defendants for obstructing a highway, or for damage to private property by reason of such obstruction.

It is not doubtful for what purpose the suit was brought; it was to recover in ejectment the premises sued for, and damages for its unlawful withholding by the defendants.

Mr. Donahue was properly joined, as a party defendant, as to all the acts complained of by the plaintiff, and there is nothing in the transcript which discloses any error on the part of the Court in not dismissing the action as to him.

The complaint alleged ownership in fee by the plaintiff to the premises in controversy and that while he was so seized and possessed he was ejected and ousted therefrom by the defendants, who have from that date, the 31st of January, 1882, withheld the possession thereof from him. Restitution of the premises and damages for its detention are prayed for.

But the appellants contend, that inasmuch as the plaintiff has alleged title and right of possession to the premises, subject to the easement of the public to the use thereof as a street, that he has mistaken his remedy. That against the defendants, a steam railroad corporation and Peter Donahue operating their road over the street, such an action will not lie, although perhaps one for damages might be maintained, as the injury was special in its nature.

And it is further urged by the defendants, that as the public had the right to use the street in common with the plaintiff, that although the fee of it might be in him, the exclusive right of possession thereto, had never been, or could be.

There is no dispute about the fact that the plaintiff's lots were bounded by Spain street in the former pueblo, and are now bounded thereby in the present town of Sonoma.

By Section 831, C. C., the owner of land bounded by a road or street is presumed to own to the center of the way, unless the contrary be shown. And if it is described in a deed as so bounded it will be considered as extending to the center of the street or road, unless a contrary intention is shown. (Sec. 1112, C. C.; Sec. 2077, Subdg. 4-6, C. C. P.; Moody vs. Palmer, 50 Cal. 31; Kittle vs. Pfeifer, 22 Cal. 484; Webber vs. California and Oregon R. R. Co., 51 Cal. 425.)

And in Coburn vs. Ames (52 Cal. 285) it was held that the owner of the land subject to the easement over the same for a public highway, may maintain ejectment for it, against an intruder.

But the appellants allege that Section 463, C. C., subdivision 5, gives them the absolute right to use the street for the purpose of running their steam railroad over it, that Section 470, C. C., only restricts such user in a case where it has not been granted by the city authorities over some street in its corporate limits, and that the town of Sonoma was not incorporated at the time of said sale of land, and that, as shown by the complaint.

The State Constitution provides, however, that private property cannot be taken or damaged for any public use, save upon compensation first made, etc. And no right of way over a street is allowed for the use of any other than a municipal corporation, save upon compensation ascertained by a jury, etc. (Sec. 14, Constitution of California.) The proceeds to be paid, which, must be in accordance with Section 1218, C. C. P.

We cannot agree to the rightfulness of defendant's contention, that a different rule should prevail with respect to the ownership of a street up to its center, or thereof, with which one of the sales of Sonoma Pueblo lands have been made by the Commissioners authorized so to do, without any grant or permission from the Board of Supervisors of Sonoma county, and elected and ousted plaintiff therefrom on January 31, 1882, and have since continued to do, support the judgment.

The judgment and order denying defendant a new trial should be affirmed.

For eight years Col. D. J. Williamson, Quarter-Master, U. S. A. and ex-U. S. Consul at Callao, was crippled with rheumatism. He got no relief until he used St. Jacobs Oil, which cured him. No remedy on earth equals it for pain. Price, fifty cents a bottle.

Excitement in Texas.

Great excitement has been caused in the vicinity of Paris, Texas, by the remarkable recovery of Mr. J. B. Corley, who was so helplessly and could not turn in bed, or raise his head; everybody said he was dying of Consumption. A trial bottle of Dr. King's New Discovery was sent him. Finding relief, he bought a large bottle and a box of Dr. King's New Life Pills; by the time he had taken two boxes of Pills and two bottles of the Discovery, he was well and had gained in flesh thirty-five pounds. Trial-bottles of this Great Discovery for Consumption free at all Drug Stores.

Bucklen's Arnica Salva.

The best salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price 25 cents per box. For sale by all drug stores.

When Baby was sick, we gave her

When she was a Child, she cried for

When she became a Miss, she clung to

When she had Children, she gave them

The Agua Caliente Springs Hotel, having been enlarged and refurbished is now one of the most elegant and attractive summer and winter resorts on the coast. Visitors will find the house supplied with every modern convenience, and no pains will be spared to make their stay pleasant and comfortable. Prices to correspond with the dull times.

## COUNTY SQUIBS.

Petaluma is to be lighted with electricity.

Petaluma claims a population of 6,000.

Cloverdale is about to organize a fire company.

Mrs. Bolla, who was sent to the Napa Insane Asylum from Petaluma, last week, died at that institution on Monday.

P. Bennett, who killed Shian at Geyersville, December last, was convicted of murder in the second degree in the Superior Court at Santa Rosa, last week.

While handling a pistol, one day last week, John Tarpey of Valley Ford, accidentally shot himself. The ball struck him in the breast, and the wound is a dangerous one.

Henry Peters, employed on Ward's ranch, San Antonio creek, fed his leg severely injured last Saturday by a narrow falling on him. One tooth ran through the leg the whole length.

Frank Carrillo, who robbed R. A. Akers of \$200 in gold coin, at the Occidental Hotel, last January, whose case was on trial last week in Santa Rosa, has been convicted of grand larceny. The jury were out two days, their verdict being brought in at 9 o'clock last Sunday morning.

The grocery store of Smith & Johnson, Santa Rosa, was entered Friday night about 11 o'clock. The door of their Hall's safe was drilled, charged with powder and blown off about three o'clock in the morning. An alarm was immediately given by a policeman and nothing was obtained by the burglars, who escaped. One arrest has been made on suspicion.

A specimen of the gnarled portion of a madrone tree on exhibition at Captain Grosse's office, is quite a curiosity. The portion was cut from the tree about twenty feet above the ground, and illustrates a very peculiar freak of nature. Two limbs about a foot apart at the source had grown out about two through each other and back to the body of the tree, where the limbs met again and grew together, thus forming a natural solid ring around the tree.—Santa Rosa Democrat.

STARFISH.

Seed potatoes in any quantity for sale at Christie's. He is making a specialty of these potatoes and farmers are invited to inspect them.

Christie has always on hand the finest of Spring chickens for the table, which he will dispose of at reasonable prices.

If you have eggs for sale, take them to Christie's Egg Depot. He pays the highest market price for them—cash, down.

MISCELLANEOUS.

## NOTICE OF ELECTION.

NOTICE IS HEREBY GIVEN TO THE qualified electors of the City of Sonoma, County of Sonoma, State of California, that on

Monday, the 12th Day of April

A. D. 1886, a General Municipal Election will be held at the City Hall, on the Plaza, in said City, for the purpose of electing the following City Officers:

Three Trustees;

One City Clerk;

One City Marshal;

One City Treasurer.

The polls of said election will open one hour after sunrise on the morning of said Monday, the 12th day of April, A. D. 1886, and close at sunset.

F. Breitenbach is appointed as inspector of said election, and M. F. Turley and A. G. Van Avery are appointed as the judges thereof. Said election is to be held in accordance with the General Election Law of the State of California, and the ordinances of said City.

By order of the Board of Trustees, A. F. HARSZTHY, President Board of Trustees.

Attest: F. R. CORBALEY, City Clerk.

Sonoma, March 27, A. D. 1886.

## Cahn, Nickelsburg & Co.,

120 & 131 Sansome St., SAN FRANCISCO.

Make the best and most durable

BOOTS and SHOES on the Pacific Coast. Buy no other.

NO CHINESE EMPLOYED.

## A CARD.

To the numerous requests made by my friends that I become a candidate for City Clerk at the ensuing election I take this method of thanking them for the compliment, but respectfully decline to run.

J. J. WYSTYRK.

Sonoma, March 10, 1886.

## For Sale.

Young Stock Bred from the Baden Herd of

Durham Short-horns

OF GEORGE ASHBURNER, San Mateo Co. Apply to

J. H. DRUMMOND, Glen Ellen.

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## MISCELLANEOUS.

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Cigars & Tobacco,

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CONFECTIONERY AND FANCY GOODS,

STATIONERY, CROCKERY, WOOD & WILLOW WARE,

Gents' Furnishing Goods,

DRUGS, HARDWARE & GARDEN SEEDS.

LAKE SHORE YEAST POWDER Every candraws a Prize.

One and all are invited to call

and Examine our Stock

and Prices.

Highest Market Price Paid for Good Butter and Fresh Eggs.

## A. F. Pauli & Co.,

SOUTH SIDE PLAZA, SONOMA.

## Cash Drug Store!

Come! See!

Purchase!

A Complete and Magnificent Stock of

DRUGS, MEDICINES, TOILET ARTICLES, SOAPS

PERFUMERIES, STATIONERY & CIGARS.

EVERYTHING AT SAN FRANCISCO PRICES.

If I do not Possess what you want will Obtain from San Francisco at Short Notice.

Dr. J. B. McMAHAN.

## CASTORIA

for Infants and Children.

"Castoria is so well adapted to children that I recommend it as superior to any prescription known to me." T. A. ACERUS, M.D.

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## J. G. MARCY,

STOVE, TINWARE AND HARDWARE STORE,

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Force and Lift Pumps and Windmills.

Brass Faucets of all Kinds. Plumbing in all its Branches.

Prices Reasonable.

FRANK R. CORBALEY, GRANVILLE S. HARRIS.

CORBALEY & HARRIS,

PROPRIETORS OF THE

UNION LIVERY AND FEED STABLES, SONOMA

First-class Stables in all Departments

WHOLE CORN, WHOLE BARLEY, WHEAT, OATS, CRACKED CORN, BRAN, GROUND BARLEY, MIDDINGS.

Oil Cake Meal, Chicken Feed, Etc.,

For Sale at a Small Margin for Cash.



